



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,907	01/03/2002	Martin Mauve	U181US	9588

7590 03/25/2005

Kohler Schmid + Partner
Ruppmannstr. 27
Stuttgart, D-70565
GERMANY

EXAMINER

PESIN, BORIS M

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/033,907	Applicant(s) MAUVE, MARTIN	
	Examiner Boris Pesin	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

16

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 7, 8, 9, 10, 11, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Uzun (US 6672961).

In regards to claim 1, Uzun teaches a method for using, presenting, transmitting, and storing objects in and by virtual worlds, the method comprising the steps of: a) defining the object as a sequence of modifications (i.e. "A number of attributes will typically be specified by the player in creating his or her avatar. For example, an avatar race from the list of: Barbarian, Dark Elf, Dwarf, Erudite, Gnome, Half Elf, Halfling, High Elf, Human, Ogre, Troll and Wood Elf should be selected." Column 16, Line 24); identifying a virtual world in which a modification of the object has taken place (i.e. "Based on the race of the avatar, a geographic starting point within the game for the introduction of the avatar into the virtual reality environment is preselected by the EverQuest.TM." Column 16, Line 28); and storing each modification of the object and each identification of an associated virtual world which that modification has been made (Figure 1, Elements 81-83).

In regards to claim 6, Uzun teaches a method of claim 1, further comprising assigning a monotonically increasing sequence number of each modification in a given virtual world (i.e. "The physical and mental make-ups of the avatars are also determined prior to the introduction of the avatar into the RPG. The strength of the avatar's abilities affects the performance of the avatar in combat situations within the role-playing environment. The abilities available within the EverQuest.TM. game include strength, stamina, agility, dexterity, wisdom, intelligence and charisma. Each race or class may have its own ability modifier that affects the level of each of the above-mentioned abilities." Column 16, Line 45).

In regards to claim 7, Uzun teaches a method of claim 6, further comprising examination of said sequence number to ensure that no modification of an object has been removed from a description of the object (i.e. "The physical and mental make-ups of the avatars are also determined prior to the introduction of the avatar into the RPG. The strength of the avatar's abilities affects the performance of the avatar in combat situations within the role-playing environment. The abilities available within the EverQuest.TM. game include strength, stamina, agility, dexterity, wisdom, intelligence and charisma. Each race or class may have its own ability modifier that affects the level of each of the above-mentioned abilities." Column 16, Line 45).

In regards to claim 8, Uzun teaches a method of claim 1, further comprising maintaining information about the object in a trusted central institution (i.e. Figure 1).

In regards to claim 9, Uzun teaches a method of claim 8, wherein said information comprises highest sequence numbers that the object has in each virtual

world (i.e. "The physical and mental make-ups of the avatars are also determined prior to the introduction of the avatar into the RPG. The strength of the avatar's abilities affects the performance of the avatar in combat situations within the role-playing environment. The abilities available within the EverQuest.TM. game include strength, stamina, agility, dexterity, wisdom, intelligence and charisma. Each race or class may have its own ability modifier that affects the level of each of the above-mentioned abilities." Column 16, Line 45).

In regards to claim 10, Uzun teaches a method of claim 1, wherein the object is an avatar representation of a user in a role-playing game (i.e. "The EverQuest.TM. game is an online role play game ("RPG") in which players encounter numerous virtual reality worlds in their quest for adventure.". Column 15, Line 63).

In regards to claim 11, Uzun teaches a method of claim 10, wherein said modification is a change in at least one of an experience, a strength, an item and equipment (i.e. "The physical and mental make-ups of the avatars are also determined prior to the introduction of the avatar into the RPG. The strength of the avatar's abilities affects the performance of the avatar in combat situations within the role-playing environment. The abilities available within the EverQuest.TM. game include strength, stamina, agility, dexterity, wisdom, intelligence and charisma. Each race or class may have its own ability modifier that affects the level of each of the above-mentioned abilities." Column 16, Line 45).

Claims 13 and 14 are in the same scope as claim 1; therefore they are rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 3, 4, 5, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uzun (US 6672961) in view of Bell (US 6272506).

In regards to claim 2, Uzun teaches all the limitations of claim 1. Uzun does not teach a method further comprising rejecting, for a given virtual world, those modifications to the object which are not acceptable to that given virtual world. Bell teaches "The field modification verification routine further includes means for resetting the field to reflect the previous information entered into the field if the signature block is not properly completed." (Column 3, Line 19). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Uzun with the teachings of

Bell and include a method of rejecting data that is not valid with the motivation to provide the user with accurate data (Bell, Column 1, Line 18).

In regards to claim 3, Uzun and Bell teach all the limitations of claim 2. Uzun does not teach a method wherein rejected modifications are ignored. Bell teaches, "The field modification verification routine further includes means for resetting the field to reflect the previous information entered into the field if the signature block is not properly completed." (Column 3, Line 19). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Uzun with the teachings of Bell and include a method of rejecting data that is not valid with the motivation to provide the user with more accurate data (Bell, Column 1, Line 18).

In regards to claim 4, Uzun and Bell teach all the limitations of claim 2. Uzun does not teach a method wherein rejected modifications are replaced. Bell teaches, "The field modification verification routine further includes means for resetting the field to reflect the previous information entered into the field if the signature block is not properly completed." (Column 3, Line 19). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Uzun with the teachings of Bell and include a method of rejecting data that is not valid with the motivation to provide the user with more accurate data (Bell, Column 1, Line 18).

In regards to claim 5, Uzun and Bell teach all the limitations of claim 2. Uzun does not teach a method wherein non-accepted modifications remain a part of the object and are contained in said sequence of modifications when the object leaves that given virtual world. Bell teaches, "means for automatically flagging any changes to

Art Unit: 2174

the information entered into a field; and means for automatically storing, in the database, the original information entered into the fields of the form and all changes made to the information.” Column 3, Line 35). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Uzun with the teachings of Bell and include a method of rejecting data that is not valid with the motivation to provide the user with more accurate data (Bell, Column 1, Line 18).

In regards to claim 12, Uzun teaches all the limitations of claim 10. Uzun does not teach a method wherein step b) comprise the step of examining a signature of a server simulating a virtual world “The field modification verification routine further includes means for resetting the field to reflect the previous information entered into the field if the signature block is not properly completed.” (Column 3, Line 19). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Uzun with the teachings of Bell and include a method of rejecting data that is not valid with the motivation to provide the user with accurate data (Bell, Column 1, Line 18).

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

Bustine Kincaid
Bustine Kincaid
Patent Examiner
Art Unit 2174